Supreme Court, U.S.
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In The

Supreme Court of the United States

PEPI SCHAFLER

Petitioner

v

SCOTT D. FIELD and
REZNICK, FEDDER & SILVERMAN

On Petition for Writ Of Certiorari
To The Fourth Circuit Court of Appeals

PETITION FOR WRIT OF CERTIORARI

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CIVIL MATTER
INTRODUCTION TO ISSUES INVOLVED

Bankruptcy is a Constitutionally provided for remedy around which has emerged a perfidious profiteering "bankruptcy industry" rife with fraud, corruption, extortion, obstruction of justice, preferential hiring, double and triple "dipping into" assets , malignant cronyism and general debauchery not by filers, but the preferentially hired private trustees, US Trustees , disingenuous judges, especially in the bankruptcy court, and many attorneys. The District Court ignores appeals and complaints with an "us against them" attitude, and if the complainant is a former filer, than the attitude is "he/she must have done something wrong" This self serving obstructionist abusive and dismissive conduct is the gravaman of this Petition for Certiorari , wherein the Petitioner a female pro se litigant who had been a filer seven years ago, and some time later been the victim of grave abuse, false allegations invasion of privacy, attempted extortion of assets from petitioner by the Opponents, a preferentially hired private trustee named Scott Field, and his partners and accounting firm. Field acted at the behest of a scorned ex husband who promised him consideration i.e. a bribe, to harass this Petitioner. Spurred on by this greed Field filed false allegations with the court, false documents, committed perjury and other massive frauds, and perverted the judicial process. When this Petitioner sought to hold the tortfeasers accountable through the civil process, she found he doors to the District Court and the Fourth Circuit Court of Appeals closed to her.

Questions Presented for Review.

1. Was Petitioner denied her Constitutional rights to due process and equal protection?

2. Did the Fourth Circuit Court of Appeals discriminate against Petitioner because she is a prose litigant, and therefore ordered the filing of one copy of an abbreviated informal brief, having decided ab initio to ignore and dismiss it ?

3. Is this especially odious since theories are circulating that in the court of appeals at instant the pro se appeals are read and decided by the law clerks, and submitted for judicial signature only?

4. Was this "separate" but allegedly "equal" impermissible bias by the Court, some sort of branding like the Scarlet letter or more heinous negative coding for "do not bother with " identification?

5. Since the wrong dates : wrong month, wrong year has been used in the very brief opinion by the Court in affirming the lower court, is it therefore reasonable to conclude that Petitioner's Appeal has not been read by anyone -not even a distracted law clerk?

6.This Court has on several occasions asserted that every litigant is entitled to an unbiased court. Was standard adhered to by the Courts in the matter at instant?

7. Did the bankruptcy court: Judge Kier, the District Court's Judge Williams, and the Fourth Circuit-if anyone read the informal brief at all-ignore and therefore suborn the massive deception, fraud, falsehood and misrepresentation to the courts by opponent Field, acts that would have caused a citizen to be charged with multiple civil and criminal offenses , but because Field is a "house favorite" the courts protect him and even rule in his favor?

8. Is the evidence provided by the Petitioner sufficiently persuasive to support her allegations?

9. Is there an "understanding and agreement " involving the above named courts and individuals to protect each other's favorite persons and their turf, and repel challengers ?

10. Did opponents Field and Reznick, Fedder and Silverman, negligently, recklessly and intentionally cause grave harm to petitioner by invading her privacy,

harm her family and her family relationships, destroy her reputation through false allegations, slander and libel, cause her serious economic harm and attempt to extort money from her, all without rights or privilege and did so with malice?

11. When Field sought the reopening of Petitioner's discharged and closed by the court case, two years after he was dismissed, did he do so under false pretenses, knowingly lying to the court, with the knowledge that he was acting on behalf of a person that had no standing -a scorned ex husband other than to harass the petitioner for which he was promised a bribe?

12. In seeking reopening of the closed and discharged case did Field represent himself to the court as the "trustee" and an attorney in the State of Maryland, both of which were brazen lies in an attempt to acquire standing and credibility for a chance to line his pockets?

13. Does having been a private trustee once, provide life long license for harassment ?

14. Did the courts invoke a completely inapplicable doctrine both in fact and law to extricate the cronies from any responsibility from harm done to petitioner?

15. According to Justice Department rules the private trustees should be hired for one year only. yet Field has been hired for a dozen years or more. Does this sort of preferential hiring lead to the debauchery and corruption in the bankruptcy industry?

Rule 29.6 Corporate Disclosure Statement.

Appellant-petitioner hereby declares that there are no Corporate Interests involved in this matter.

Jurisdiction of this Court on Writ of Certiorari

Article III Section 2, # 2 of the Constitution provides that the Judicial Power of the Supreme Court shall have jurisdiction to all Cases and Controversies in law and equity and Appellate jurisdiction to same. A review on Writ of Certiorari is not a matter of right, but of judicial discretion and will be granted only when there are special and important reasons thereof such as when a federal court of appeals has rendered a decision and sanctioned such a departure by a lower court as to call for an exercise of this Court's power of supervision. Such is the case in the matter at instant, wherein the power of supervision by this Court is critical. This Court also has jurisdiction pursuant to 28 U.S.C.A # 1254.

Procedural posture of the case.

This claim was dismissed by the District Court on July 25, 2002 and timely appealed. The Fourth's Circuit Court of Appeal ordered a single copy of an informal brief to be filed , and affirmed the District Court on Nov. 13, 2002. Petition for rehearing was denied on December 17, 2002.

Constitutional Provisions, Treaties, Statutes
Regulations, and Decisions involved in the Case.

United States Constitution Amendment XIV (1868)
Section 1: All citizens born or naturalized in the United States shall be citizens of the United States and the State they reside in. No State shall deprive any person of life , liberty , or property without due process of law , nor deny any person within it's jurisdiction the equal protection of the laws.

Substantive due process : Deprivation of economic right is encompassed by the 14th Amendment protection of liberty and property. Board of Regents v Roth 408 U.S. 564 (1972) Goldberg v Kelly 397 U.S.254 (1970), Perry v Sinderman 408 U.S. 593 (1977)

United States v Krass 409 U.S. 434 (1973) Bankruptcy has no rights: the rights belong to the individual, and at most represents the relationship of an individual and creditors.

Craig v Boren 429 U.S. 190 (1976) Differential treatment of men and women in the sale of alcohol. Court says : "there is only one Equal Protection Clause" the same in Orr v Orr 440 U.S. 268(1979).

42 U.S.C # 1983(1871) Civil action for deprivation of rights. Any citizen of the United States that deprives another of any rights , privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law.

Regents of University of California v Bakke 438 U. S. 265 (1978) Guarantee of equal protection can not mean one thing when applied to one individual and something else when applied to another.

Tumey v Ohio 273 U.S 510 (1927)"The rule has been settled for almost a century that a party is entitled to an impartial judge."

Neder v United States 119 S.Ct 1827 (1999) Even with strong evidence against him , an individual is entitled to an impartial judge and due process.

Police Department v Mosley , 408 U.S. 92 (1972). The equal protection of the fourteenth Amendment calls for "equality of status" before the law.

Barton v Barbour 104 U.S. 126 (1881) A receiver appointed by the court of equity may not be sued while in active service without leave of the appointing court.

Taylor v Freeland & Kronz et al , 503 U.S. 638 (1992) The courts give the private trustees a "second bite of the apple" and for any commissions or omissions stand ready to punish the filer rather than the private trustee.

Myers v Matley 318 U.S. 622 (1943) Property held by the bankrupt on the date of filing is property of the estate . Subsequently acquired property belongs to the bankrupt, and is not property of the estate.

In Time Inc. v Hill ,385 U.S. 374, (1967), this Court held that for a claim of invasion of privacy and false light portrayal to stand evidence must show that the Defendant knew of the falsity of his statements and acted with reckless disregard of that knowledge.

While legislating Bankruptcy Reform, Congress has sought to eliminate the abuses, cronyism and other offensive practices of the "bankruptcy ring" and attorney control of bankruptcy cases. The House Report noted that the bankruptcy system operates more for the benefit of attorneys than for the benefit of debtors and creditors. H.R. No 595, 95th Congress, 2nd Sess. 92, reprinted in 1978 U.S. Cong. & Ad News 5787, 5963.

28 U.S.C.A # 586 pub in 28 C.F.R. # 58.3 provides that becoming a trustee is an equal employment opportunity, for all applicants, and no discriminatory hiring. To qualify for this employment which -according to the rules shall be for one year only, one must have no criminal record, can be an attorney or a chef, accountant or hair stylist, and have taken some college courses.

Code of ethics for Government Service, House Doc. No: 103 , 86th Congress first Sess: (1958) states: Any person in government service should expose corruption wherever discovered".

11 U.S.C.A. # 5010 holds that if a case is closed by the the court, the services of a trustee are no longer needed. Upon reopening there must be a court hearing to determine if a trustee is needed.

11 U.S.C.A # 5010 also states that a case may be reopened by a creditor or the debtor. There is no other privilege to reopen a case.

11 U.S.C.A. 727 subsection (a)(6)(A)(d)(3)(e)(2) holds that a trustee may seek the revocation of a discharge or to reopen a case within one year of discharge only.

11 U.S.C.A # 704 holds that a trustee has a duty to thoroughly investigate the case he is hired for.

11 U.S.C.A #554 & 554 (a) holds that any property scheduled on the bankruptcy petition schedule and not administered when the case is closed by the court, is abandoned to the debtor.

Filing a "no asset report" exhibits the requisite intent to abandon the assets. Beherens v Woodhaven Assn., 87 B. R. 971 (1988)

11 U.S.C.A. # 522 (d) provides for a series of exemptions for debtors provided by the United States Bankruptcy Code.

The State of Maryland does not participate in these Federal exemptions because the State has it's own set of exemptions for bankruptcy filers in Maryland , which are found in the Annotated Code of Maryland , Rule 11-504(h)

11 U.S.C.A # 554 holds that abandoning of estate property is irrevocable: once abandoned, assets are no longer part of the estate, and effectively beyond trustees reach and the control of the bankruptcy court.

The abandonment is irrevocable if the case is closed by court. Vreughenhill v Navistar Int,. Transp. Corp , 950 F 2nd, 524 (1991), In Re: McCoy 139 B.R. 430 (1991)

In: Re Paine, 127 F 246 (1904) the Court held that a former trustee has no standing to get the case reopened.

In Broughton v State of New York 37 NY 2nd 451, 373 NYS 2nd 87, 335 NE 2nd 310(1976) the Court defined the essence of malicious prosecutions as the perversion of proper legal proceedings, as well as unjustifiable prosecution and litigation.

Malicious prosecution requires 1.) an ulterior motive or purpose and 2.) an action which would be improper in the regular proceedings. Friedman v Dozorc, 412Mich, 1.312 Nw 2nd 585 (1981)

In O'Toole v Franklin 279, Or. 513, 569 P 2nd 561 (1977) the court identified the tort of malicious prosecution as unfounded charges causing extraordinary harm and injury.

Violations of the right to privacy ,"to be left alone "include intrusion upon the individual's seclusion, his private affairs or solitude, and placing the individual in a false light in a public sphere. W. Prosser, Privacy 48 Cal.L. Rev 383 (1968)

One of the very oldest common law writs is the Writ of Deceit. The writ of deceit was already known in the time of John.2 Poll & Mait Hist of Engl law 2nd 3d 535 citing Select Civil pleas , pl III (A.D 1201), which is where the legal evolution of fraud began. The wrong , an interference with the administration of royal justice, was viewed as an offense against the king as well as against the individual who was damaged and harmed. Therefore fines had to be paid to the king and the victim.

Acts of fraud and deceit are not only offenses against the Petitioner, but also against those that relied on it. Glanzer v Shepard 135 N.E. 275 (1922)

In Citizen State Bank v Timm, Schmidt & Co 335 N.W. 2nd 361 (1983) the court held that the modern view on fraud and deceit is broad and holds that the person making fraudulent misrepresentations is liable to anyone whose reliance on it is reasonably foreseeable.

Under Maryland law in a cause of action for fraud, deceit and misrepresentation, and to prove that Plaintiff suffered compensable injury ,the evidence must show among other elements that Defendants made: a) false representation, b)had knowledge that the representation is false, c)displayed reckless indifference to the truth d) for the purpose of defrauding and harming persons claiming to be injured e.) the damages. Froelich v Erickson 246 F 3rd 664 (2000), Edel & Associates P.C. v Law Offices of Peter Angelos, 106 F. Supp 2nd , 790 (2000), Christian v Minn. Min. & Mnftg. Co 126 F. Supp 2nd 951, (2000)

STATEMENT OF RELEVANT FACTS

On March 26, 1996 a chapter 7 bankruptcy petition was filed on behalf of Petitioner in the Greenbelt Maryland bankruptcy court by a Maryland law firm specializing in such matters. Petitioners had relocated - escaped is more accurate - to Bethesda Md. from a very long residence in the suburbs of Buffalo New York. The events leading to the chapter 7 and the relocation, was a nine year odyssey as a Plaintiff in an action for divorce starting in 1984, with judgment finally coming in 1993, followed by two years of virtual hostage to post divorce matters. When Petitioner informed the former husband that she wishes to end the marriage he threatened her that she would never be free of him, something he has almost been able to convert into reality. He unleashed a torrent of terror and harassment against petitioner ranging from stealing two checks in amount of $96500 with petitioners name on them as payee and negotiating them without her endorsement, to stalking, threats on petitioner's life, burglarizing the marital residence, making false accusations against her. He caused her to live in fear. He had been arrested and charged , both in NY State and in Florida and there were numerous restraining orders against him. The ex husband, an attorney, a notorious unindicted multiple felon with a law license was finally suspended from he practice of law for stealing clients money. Petitioner's journey to free herself from this nightmare was not only an emotional nightmare, but also very expensive, hence the chapter 7.

Appendix 4 represents the relevant part of the chapter 7 petition: the assets scheduled .

1.) Is the claim against a bank for negotiating the previously mentioned two checks stolen from Petitioner with her name as payee without her endorsement in amount of $96.500. There had been legal gyrations in that case and it was dismissed in February 1995, by the New York State Supreme Court , County of Erie located in Buffalo NY. The dismissal was appealed to the Appellate Division NY State Supreme Court Fourth Dep. located in Rochester NY which is Monroe County.

2. The ex husband as an obligor as he still owed Petitioner a significant amount of money. He had also refused to cooperate in any plan to dispose of the marital personals, which the court ordered to be divided equally or sold and the proceeds divided. It was his interpretation of the order and the law, that the division must take place with the parties jointly being in the same place to decide. Since he was prohibited from being in Petitioner's presence or even in her vicinity by orders from courts in two states or he would be arrested, the attorneys had no way of dealing with this, other than leaving the property behind in a consignment store under the jurisdiction of the court .

3. A trust created a decade or more before on behalf of Petitioner's children-hers from a prior marriage, which consisted in large part of her IRA exempt under the State of Maryland Law, and in Petitioner's possession.

The Creditors meeting and hearing pursuant to 11 U.S.C.A. # 341 took place on May 1, 1996, and at that time petitioner encountered opponent Scott Field who had been hired as trustee by the U.S. Trustee. During the hearing, Field questioned Petitioner and all his questions were truthfully answered. Appendix 5 is a report he prepared about the questions he asked, and there was also a tape made of the questioning, a tape he now claims was destroyed. He asked a lot of questions regarding the dismissed bank claim.

That same day of the "341 hearing" Field filed a "no asset report" Appendix 6, in which he represented to the bankruptcy court , that he had conducted " a very thorough and diligent investigation into this case, there are no estate assets for distribution, and he-Scott Field wishes to be dismissed". On May 31, 1996, the Appellate Division of NY State Supreme Court reinstated the claim against the bank. Appendix 7. On July 7, 1996 the bankruptcy court discharged the debts, dismissed Mr. Field, and closed the case, as in Appendix 8.

Mr. Field's standing in this matter though formally terminated by the court on July 7, 1996, but really ended with his filing of the "no asset report " on May 1 1996, and his request to be dismissed as in Appendix 6.Any and all possible interests in any of the assets were abandoned pursuant to 11 U.S.C.A. #554, #554 a.

Two years later, on April 27, 1998 the ex husband by then disbarred ,contacted Mr. Field and provided him with fraudulent information regarding the claim against the banks for the theft and conversion he had committed. Appendix 9.The informant(ex husband) who had reviewed the chapter 7 petition already knew that Mr. Field makes false statements to the bankruptcy court, and is a liar, because although he -the informant was listed on the schedule as an obligor , and Mr. Field asserted to the court he had diligently investigated this matter, he had never contacted him. Therefore he had a corrupt individual at the ready to do "business". The false informant also knew that at this point Mr. Field lacked standing in this matter , had not for two years , and that even though Mr. Field should have been a private trustee for one year only, yet by then had been one for 8 or 9 years, corruption, swindle and more was all around. The false informant having correctly assumed that Mr. Field would not care for facts or truth , so he provided him with false information, promised him "consideration" commonly known as a bribe to reopen the closed case to harass Petitioner. Field at the promise of money would do anything, regardless of consequences to anyone, as long as it enters his pockets, and the demented informant was just looking to cause harm, because he would not benefit in any tangible way. His benefit would be what in the German language is called "shadenfreude" , translated : "the joy of harm"

On April 28, 1998, Field filed an ex parte motion to reopen this case Appendix 10, falsely, fraudulently, and with malignant deceit alleged to the bankruptcy court that : 1) that he is a trustee, 2.) that he is an attorney , 3.) that he was doing so to administer the undisclosed assets of the "estate " 4. that he was doing so on behalf of an interested party. This was all a a fraudulent undertaking, to extort unearned money from Petitioner and receive a bribe from the informant. Each and every statement was 100% fraudulent and a lie to the court, though evidence has shown that judge Kier is pretty corrupt himself, and therefore did not care about what Field asserted. House favorites have lying and fraud privileges.

1.) It was fraud on the court by Scott Field to allege to the court that he is the trustee in this matter. He had not been the trustee for 2 years, and at that point could have been the doorman at the court or a Washington D.C. hotel. Because judge Kier is so hopelessly and tragically corrupt, and so oblivious to the oath he took when he was hired to uphold the Constitution and the rights of citizens, he never asked Field, :" who made you trustee since you asked to be dismissed exactly two years ago, and I did so, and who returned you to a non existent job? That case was closed two years ago as well.

2.) Scott Field is not an attorney admitted to practice in Maryland or in the Fourth Circuit. Petitioner has two letter from the Maryland State Court of Appeals stating that Scott. Field is not now, nor has ever been admitted practice there. The same in the Fourth Circuit.

The Maryland Bar Association is investigating Fields "unauthorized practice of law." But it appears that he holds himself out as an attorney to secure credibility for his frauds and extortions only, exploiting the duty to be truthful which governs the conduct of attorneys. This is however not a permanent scam, because at other times when it is not profitable to hold himself out as such, he does not, and seeks the hiring of his "favored law firm". There are rumors he receives kickbacks for that. Field always insists on the hiring of his partners the accounting firm of Reznick, Fedder and Silverman. Like the court said:" whether needed or not". Field himself is a corrupt industry.

3.) There were no unadministered assets. This is a false statement by Mr. Field filled with fraud, deceit and malice. The assets had already been abandoned two the debtor two years before, pursuant to 11 U.S.C.A # 554. Furthermore had Field not lied to the court about his "diligent investigation" during his tenure as a private trustee, he would have known that he was being lied to by the false informant, the one that promised him a bribe. But then truth, fact and consideration for lawful conduct were not issues. Mr. Field is shameless in his greed , and judge Kier is shameless in his corruption and neglect of duty. Kier never asked Field:" what assets are you talking about? where they scheduled? did you have knowledge of their existence before you abandoned them to the filer? Why now? Where did the information come from?

4.) In bankruptcy a party a party in interest is limited to being a creditor or the debtor. Scorned and angry ex spouses that promise bribes in return for harassment of the former spouse, do not count. The ubiquitous judge Kier never inquired who the complainant is in this matter, unless he did so in some private venue that is not documented. On May 6, 1998 Kier signed an order reopening the case. Appendix 11. Pursuant to to 11 U.S.C. A. # 5010 judge Kier had a duty to hold a hearing to examine the issues, and determine whether a private trustee is needed. Never happened. On June 23, 1998 an Asst. US trustee named White, Mr. Field's "very good friend" rehired him and made the hiring "retroactive" to May 7, 1998. This did not change the fact that when Field sought reopening of the closed case based on massive fraud, lies and deceit, he had no standing. He was not a trustee, and the judge Kier of the bankruptcy court had no jurisdiction. they were engaged in a perversion of facts and law, designed to bring Field money and completely disregarded this Petitioner.

This predatory lawless act by Scott Field has caused this petitioner grave, grave harm and shattered all aspects of her life. This was just the beginning of a long dark night. On April 2, 2001 petitioner filed a claim against Mr. Field in Maryland District Court. Case No: Cv -AW-01-984, Appendix 12 alleging various acts of fraud, misconduct, deceit, filing false documents, on and on. On August 15, 2001 Judge Williams invoked the Barton Doctrine, as Mr. Field's counsel suggested. Barton V Barbour, 104 U.S. 126 (1881) ,and dismissed the complaint.

The Barton Doctrine is completely not on point to the instant matter, and the citing of it is outrageous and preposterous subornation of fraud and perjury, but in it's inapplicability a very convenient tool to protect the grave misconduct by insiders that the Court is interested in protecting. Petitioner filed a notice of appeal on Sept. 4 2001, to the Fourth Circuit Court of Appeals, which affirmed the District Court and denied rehearing. Most likely they did not read it once, why reconsider. The fact that Mr. Field the wrong doer and tortfeaser had no standing to seek reopening of this adjudicated case, any more than the chef down the street, was of no import to Judge Williams or the Fourth Circuit.

Although fully persuaded that the Decision by Judge Williams of the District Court was a decision based on bias , when Petitioner refilled, believing that perhaps the previous claim was too amorphous - she had included extensive wrongdoing and heinous acts by Mr. Field subsequent to his being "retroactively hired" that have caused grave harm to her, she bracketed certain events more precisely and the timeline more succinctly, and filled a claim on April 15, 2002. Appendix 12. When Petitioner filed the present claim she asked the clerk to assign the case to anyone but Williams. Unfortunately that did not take place. This time Judge Williams in dismissing cited a reason equally as inaccurate: res judicata . Petitioner is persuaded that her timely appeal to the Fourth Circuit was not even read.

ARGUMENT

The Fourth Circuit Court of Appeals affirmed and therefore suborned, participated in and supported the District Court's complete derogation of Petitioner's rights, acts repugnant to the Constitution , and acts contributory to the degradation of the legal process of the United States. The District Court through it's conduct of covering up for the corrupt bankruptcy industry had invented a theory of the case that was false and completely inapplicable and could not be responded to within the context of this claim. The acts of the District Court have caused grave injury to petitioner, and have impaired the moral authority of the court. The bankruptcy industry is abusively corrupt to the core, it's goals self serving and unjust enrichment for the cronies, which by definitions means the "insiders". Opponent Field, and the accountants Reznick, Fedder and Silverman are such industry insiders, who are the beneficiaries of the prevailing debauchery presided over by judge Duncan Kier of the bankruptcy court in Greenbelt MD. This collective misconduct manifested in the reopening after two years ,of a closed and discharged chapter 7 bankruptcy, without any cause, other than an ex spouse had promised Field a bribe. The vague information was 100% false, and no probable cause evidence asked for by the court. " Go to it boys". This vague albeit false allegation has caused Petitioner great harm, shattered her personal and professional life, invaded her privacy , caused her a great deal of expenses, loss of other assets, almost five years of litigation , great injury to family life and relationships , and an all around nightmare, all based on the fraud, lies and deception by Scott Field. Petitioner has sought redress through the courts, but has found the doors of the court closed.

Violation of Constitutional Rights.

Petitioner's Fourteenth Amendment rights to equal protection and due process have been violated. This Court has articulated substantive due process rights to include the protection of economic interests and expectations in the 14th Amendment clause of protection of liberty and property, and has held that a hearing on the facts is required. The interests include but are not limited to the termination of social service or "welfare" benefits, Goldberg v Kelly 397 U.S. 254, (1970), the non renewal of an expired college teaching contract Board of Regents v Roth, 408 U.S. 564 (1972), and Perry v Sinderman, 408 U.S. 593 (1977).Petitioner has a major economic right in the matter at instant, and is entitled to a hearing to present her claim. Opponents Field and the accountants Reznick et al, have caused grave economic harm to Petitioner. She was about to collect the "bank claim " which with interest amounted to around $200.000 when Field knowingly, intentionally and recklessly made the 100 % false allegation regarding same. Appendix 6,7,8,10.She lost a great deal of other economic assets due to the opponents misconduct and Petitioner has a Constitutional right to present her claim in the appropriate and Constitutionally guaranteed forum: at a hearing, and before a jury. Her rights to same have been violated and this Court is asked in this Petition for Certiorari to remedy that.

BIAS AND DISCRIMINATION

The most evident element in this case is judicial bias, misconduct and discrimination. Certainly on par with the fraud and misdeeds by opponents. Some of the bias and discrimination is not necessarily targeted against Petitioner or against anyone, but rather is in favor of the "house favorite" Scott Field. Judge Kier, who is corrupt to the core, did not really know who would be victimized by his corruption , sleaze and judicial misconduct. He just knew that someone would. After all even if he is seriously impaired he knows the rules of evidence, the level of proof required, the probable cause standards and the bankruptcy rules that dictate who, when and why a closed and discharged case may be reopened. But for the "house favorite" Scott Field , Kier prostituted his job his oath, the law, the dignity of the court, -not much dignity with him in it, and turned the duty to be fair into an obscene spectacle.

Thereafter the bias and discriminatory conduct against Petitioner by the District Court and the Forth Circuit Court of Appeals which was premeditated and purposeful occurred in the administration of law. Discrimination in the administration of law comes into being when a law on the face of it appears neutral but when applied is done in a discriminatory manner, because of discriminatory motivation. Yick Wo v Hopkins 118 U.S. 356 (1886). This represents the denial of Constitutional rights to due process and equal protection.

Due process and equal protection require an unbiased court, yet the District Court - Judge Williams exhibited gross bias against Petitioner and devalued her standing. This Court has held in Tumey v Ohio, 273 U.S. 510, 1927 that the rule has been settled for almost a century that a party is entitled to an impartial judge. Judge Williams has at the opponent's urging invoked a case, completely inapplicable on law and fact to dismiss the complaint, secure in the knowledge that there is no way to address that. Invoking an inapplicable doctrine, is a manifestation of disrespectful bias and discrimination. In the matter at instant Judge Williams did not care about due process, equal protection, the Constitution, the law and his oath of office, or the respect for litigants that his job demands. It was "protect the bankruptcy cronies only" time. This Court has held that equal protection called for in the Fourteenth Amendment calls for "equality of status" before the law. Police Department v Moseley, 408 U.S. 92, (1972). Guarantee of equal protection can not mean one thing when applied to one individual and something else when applied to another. Regents of University of California v Bakke 438 U.S. 265 (1978)

Judge Williams used his specific ways and means to discriminate against Petitioner, and the Fourth Circuit Court of Appeals followed the pattern. There was no pretense at fairness or interest in a pro se female litigant. By ordering Petitioner to file 1 copy of an informal brief, Appendix 1, the Court of Appeals had signaled that pro forma it must accept all appeals, but that does not mean reading it, or examining the issues

or observe that the Constitutional requirements are met. The appeal in this matter was destined to go nowhere: at most to a law clerk. This singular copy of the Appeal, might as well have had a scarlet letter on it, targeting this Appeal for discriminatory conduct, to be ignored and dismissed. petitioner had previously indicated that on information and belief, in the Fourth Circuit Court of Appeals , pro se appeals do not make it to the court: just read by clerks, or not read at all, largely ignored. In Orr v Orr , 440 U.S. 440 U.S. 268 (1979) , a case not on point, in which this Court addressed the issue of differential treatment due to bias, and held that it is Constitutionally unacceptable. In Craig v Boren 429 U.S. 190, (1976) this Court noted that there is one equal protection clause, suggesting that it must be the same for everyone. In the process of swiftly affirming the District Court, the Fourth Circuit Court of Appeals did not insert the correct dates of the Appeal they were asked to review and decide. Certainly indicative of total disinterest in and disregard of what was before them.

THE BARTON DOCTRINE

The Barton Doctrine based on this Courts holding in Barton v Barbour 104 U.S. 126 (1881) was unsuitably applied by the District Court as the decisional law, this at the suggestion of the Appellee-Defendants. There is no fact or law that is applicable, in this doctrine to the matter at instant, but this is exactly the convenience of it and the reason for it being invoked. . In doing so, the

Appellee-Defendants were able to introduce another party with zero standing : the judge of the bankruptcy court that closed the case two years prior and dismissed Defendant Field : judge Kier. This created a corrupt conspiracy that included more people without standing, and without integrity. The District Court knew or was obliged to know that in invoking the Barton Doctrine the court is just trying to bail out someone it wanted to escape accountability yet knew the facts it was 100% inapplicable on the facts and the law. But the District Court can introduce the treaty of Versailles and say it is applicable, and there is nothing Appellant can do .

The facts of the Barton supra case are: that Mr. Barbour is appointed and therefore employed by the Court of Virginia as the receiver of a corporation that operates three railroads all under the Courts control: Washington City, Virginia Midland and Great Southern Railroad. A passenger Ms. Barton while a traveling in a sleeping car is injured, and is suing Mr. Barbour in tort for damages. This Court held that " the rule that a receiver cannot be sued without leave of the court of equity which appointed him applies to suits against him on a money demand, or for damages . The fact that by such order , he is in possession of a railroad and engaged in business of a common carrier , does not take this case out of the rule." There are zero communalities between the matter at instant and the "Barton Doctrine" as applied in the District Court.

In Barton supra Mr. Balfour was appointed by the Court as the receiver of three railroads that were ongoing and fully functioning. Mr. Balfour's activities were under the control and supervision of the appointing Court, which also paid him his salary. There were no bankruptcy courts at the time, and this matter was in federal court. .

a.)Mr. Field was never ever hired or appointed by a court. For some time now there are special bankruptcy courts, and since the bankruptcy Reform Act of 1978 most trustees are hired by the United States Trustee's Office. Scott Field has been preferentially hired for a dozen or so years by an insider "very good" friend in the US Trustee's Office, despite Justice Dept Rules for equal hiring opportunities, and for one year only pursuant to 28 U.S.C.A. #586 pub in 28 C.F.R. #58.3. The deceit and corruption in the hiring is pervasive.
b.) at no time did Field act as a receiver or operate a business or have any connection to the District Court.
c.) When Scott Field sought reopening of the two year old case he falsely represented himself to the bankruptcy court as being a "trustee" when in fact he had been dismissed two years before. He lied to and deceived the court, even if the bankruptcy court likes him and he is so favored. d.) he claimed to be an attorney which he is not in the State of Maryland.
e.) Field had no standing in this matter or any matter involving Petitioner; he had the same standing as the courthouse doorman, just extensive corrupt ties.

The corrupt ties served his illegal and fraudulent scheme very well. The opponents citing of the Barton doctrine as applicable, was inappropriate on their part but provided Judge Williams with the tool to legitimize the overwhelming evidence of fraud, deception, and corruption by Field, and the suborning of same by the bankruptcy court's judge Kier. District Court Judge Williams whose bias is known and evident had the perfect tool in dismissing the first claim filed in this matter in April 2001. If judge Kier is an honorable - not given to corrupt acts judge, by inappropriately requiring that Petitioner seek his permission to file suit against a private citizen who was a trustee two years prior to the incident at issue , Kier will angrily decline. If he is given to corrupt acts and is not an honorable-judge he protects his coconspirators , of which Field is one, he will angrily decline and find some reason for this. Therefore he could not miss. He had the tools to dismiss the complaint. When Petitioner refilled this complaint in march 2002 , she made sure that the focus of the complaint was clear and crisp limited to events of Mr. Field filing the motion to reopen. (Appendix 10.) In dismissing the claim which is the subject of this Petition, DC Judge Williams cited that Petitioner did not cure the issue of permission to sue and dismissed. The Barton doctrine is not applicable, and there is no one who needs to give permission for one individual to sue another. Even hen there is an ongoing matter and an active trustee permission is not necessary. In Re: Kashani 190 B.R. 875 (1995), on the issue of suit against the trustee who was operating the debtors business, the trustee demanded the bankruptcy court's

permission which was denied but the Appellate Court reversed ,holding that it is undue prejudice to the debtor and a violation of Constitutional rights.

RES JUDICATA

This Court has held that for Res Judicata to apply three elements must be satisfied: a,) prior litigation in which identical claims were raised, or could have been, b,) the parties are identical , and c,) there must be final judgment on the merits. Cromwell v County of Sac 94 U.S. (4 Otto) 351 (1876). There has not been prior litigation-just attempts at same in the present matter, and there has been no final judgment on the merits. The prior dismissal was without any evidentiary proceeding, just through the invocation of a false excuse. The whole response to petitioners complaint has been one of deviant distortion and perfidious avoidance of responsibility through deception and violations of Constitutional rights suborned by the Judge Williams of the U.S. District Court. The Fourth Circuit Court of Appeals had no opinion. The claim subject to this Petition for Certiorari was never adjudicated, and perhaps never even read, therefore Res judicata does not apply.

THE BANKRUPTCY INDUSTRY

The bankruptcy industry is overflowing with abuse, extortion, perfidy and corruption, not involving filers, but attorneys, judges , private trustees, the U.S. Trustees, who form the "bankruptcy ring or the bankruptcy mafia"

This pervasive and disturbing malady has not escaped the notice of the House of Representatives , and this Court. In the 95th session of Congress during debate on bankruptcy reform the House noted that the system operates only for the benefit of attorneys, trustees and faulted some of the judges. H.R. No 595, 95th Congress 2nd Sess. 92, also 1978 U.S. Cong & Ad News 5787. The corrupt conspiratorial enterprise among the above mentioned parties takes away for themselves from debtors, and creditors , hundreds of millions of dollar annually. This Court has also taken notice of this issue in Taylor v Freedland & Kronz 503, 638 (1992), by stating that "the courts give trustees a second bite of the apple" and by ignoring the attempt of the trustee to claim special privileges for himself, and accusing the debtors of malfeasance, also representing to this Court that what stands between total filer debauchery and lawful conduct, are these corrupt trustees, the Court took judicial notice of the problem. In Re Boyd 243 B.R. 756 (2000) the trustee and his attorney , while accusing the debtors -the Boyds of malfeasance, attempted a massive fraud on the Court and the opponent, causing outrage in the Court, and holding for the Boyds. When Scott Field was trustee in April 1996, he abandoned any assets or potential assets of the estate to the Petitioner pursuant to 11 U.S.C.A 554 554 (a) and lied to judge Kier hat he had done a thorough investigation. He had a window of one year pursuant to 11 U.S.C.A 727(a)(b) (A)(d)(3)(e)(2) to seek reopening for cause. He did not do that, knowing that Kier is corrupt and disingenuous , so that whenever a money earning chance whether bribery or other he may seek reopening, without

any accountability as to reason, other persons rights and cause for same. Kier is there for him to get money. The Defendants Field and partners represent the grave and malignant corruption of the system. It is ironic and inexplicable that a bankruptcy stigma attaches to filers, an not to the rapacious plunderer of the assets.

FRAUD AND DECEIT

Scott Field intentionally and negligently, knowingly and recklessly committed frauds, lied, shamelessly broke the law, deceived the court-even if the court does not care, it is an offense nevertheless against the "people" which employ the bankruptcy judge, all for the purpose to extort money from Petitioner and in the alternative, cause her grave harm. His frauds and extortion attempt were fueled by unmitigated greed , with complete disregard of the consequences to Petitioner and her family, and her rights. The writ of deceit was already known in the time of John, which is whence the legal evolution of John began. 2 Poll & Mait Hist. of Engl. Law 2nd3d, 535, citing Select Civil Pleas , pl III (AD 1201), Acts of fraud and deceit are not only offenses against the Petitioner, but also against those that relied on it, Glanzer v Shepard 135 N.E. 275,

Under Maryland law in a cause of action for fraud, deceit, misrepresentation and extortion, the evidence must show that Defendants made: a.) false and fraudulent representations, b.) had knowledge that the representation is false, c.) displayed reckless indifference to the truth, d.) for the purpose of defrauding and harming persons claiming to be injured, e,) the damages . Froelich v Erickson 246 F 3rd, 664 (2000),Edel & Associates P.C. v

Law Offices of Peter Angelos, 106 F.Supp, 790 (2000) Christian v Minnesota Min. & Manfg. Co 126 F Supp. 2nd 951, (2000).Petitioner can unequivocally meet each and every element of the evidence requirement under the State of Maryland law to sustain the cause of action for fraud, misrepresentation, extortion, deceit, and corruption Scott Field and his Partners caused great harm to this Petitioner, and like terrorists it was done ex parte , and now they rely on supporters to cover up for them. They must not prevail, or avoid responsibility.

OTHER HARMS CAUSED TO PETITIONER: MALICIOUS PROSECUTION, INVASION OF PRIVACY, SLANDER, FALSE LIGHT PORTRAYAL.

In Times v Hill, 385 U.S. 374 (1967) this Court held that for a claim of invasion of privacy and false light portrayal to stand ,evidence must show that the Defendant knew of the falsity of his statements and acted with reckless with reckless disregard of that knowledge. When Opponents Scott Field, and Reznick, Fedder & Silverman proceeded to seek reopening of the closed and dismissed chapter 7,, they negligently, intentionally, recklessly with complete disregard of the truth invaded Petitioner's privacy and portrayed her in a false light as some sort of wrongdoer that merited this action. This was a brazen shameless lie and a fraud.

Opponent Field and Petitioner had a brief encounter on May 1, 1996. Thereafter he told the Court and the world that he had performed his job, was finished and

wishes to be dismissed. That was the end of any proper contact. Because the scorned former spouse entered into a business with Field that he would compensate him to harass Petitioner, and provided him with false information was for their benefit. Field invaded Petitioner's privacy without right or privilege. Privacy is a Constitutionally guaranteed right , and Petitioner had a right to be left alone. A violation of the right to "be left alone", includes intrusion upon the individuals seclusion, his private affairs or solitude, and placing the individual in a false light in a public place. Those are all Constitutional violations. W. Prosser, Privacy, 48 Cal L.Rev 383 (168). When Appelle's sought the reopening of the case it was to extort money from Petitioner and harass her.

MALICIOUS PROSECUTION

When Field and partners sought the reopening of the case which was closed by the court two years before, they entered into a conspiracy and arrangement to maliciously prosecute Petitioner, and did so recklessly, intentionally, negligently and without just cause, with full knowledge that they were not truthful, but rather deceptive and disingenuous, that they were causing harm, were maliciously prosecuting and persecuting Petitioner, all for personal gain. Not unlike common criminals and extortionists. The elements of malicious prosecution are 1.) an ulterior motive or purpose and 2.) an action that would be improper in regular proceedings. Friedman v Dozorec, 312 N.W. 2nd 585 (1981).

In Broughton v State of New York, 335 NE 2nd 310 (1976) the court defined the essence of malicious prosecutions as the perversion of proper litigation , along with unjustifiable prosecution and litigation. While in O'Otoole v Franklin 569 P 2nd 561(1977) the holding is that malicious prosecution is unfounded charges that cause extraordinary harm and injury. The acts by Scott Field and his partners Reznick, et al caused extraordinary harm and injury , and were reckless and purposeful acts of malicious prosecution. Individuals, law enforcement and government bodies are held accountable for malicious prosecution. The equal protection clause of the Constitution demands it.

CONCLUSION

The dismissal of Petitioners claim is an act of derogation and deprecation of her Constitutional rights to due process and equal protection, and represents impermissible bias and discrimination. The District Court invoked a completely inapplicable doctrine for it's decision to dismiss, yet cited this doctrine-the Barton doctrine as the determinative law, and insisted on it. There is no possibility to cure the outrageously inapplicable. There is reason to believe , and some evidence that the Fourth Circuit Court of Appeals did not review this appeal at all.

Petitioner has been victimized by the bankruptcy industry, by it's corrupt practices, it protection of the "insiders", by their complete disregard of the rights of others, as long as they can stuff their pockets, frequently with illegal gain.

An angry, scorned stalking ex husband partnering with a corrupt deceptive disingenuous ex trustee, exploiting the general perfidy of the bankruptcy industry conspired to harm Petitioner , and they succeeded. Every aspect of her life whether personal, professional, familial, has been shattered, her character assassinated , her assets greatly diminished, her good family name tarnished. As one observer noted : "these crooks ganged up on her". Petitioner also believes that it is impermissible bias and discrimination, to order a pro se litigant to file an appeal that is visibly different from anyone else. It would not be acceptable to distinguish an appeal based on race, religion, or on some other protected criteria like Aids.

PRAYER FOR RELIEF

Petitioner prays that this Court will grant the Petition for Certiorari. Unless this Court does so, Petitioner's rights will be forever extinguished not based on facts or law but based on bias , cronyism discrimination, and the violation of Constitutional Rights. There would be no other forum to turn to, and her citizenship diminished. The courtroom doors have been closed to petitioner by the District Court, and the Fourth Circuit Court of Appeals. A denial by this Court would represent the lock on those closed doors.

March 4, 2003

Dr. Pepi Schafler